

Bruce D. Tingey, Esq.
Nevada Bar No. 5151
Shane D. Cox, Esq.
Nevada Bar No. 13852
Tingey Injury Law Firm
817 S. Main Street
Las Vegas, Nevada 89101
Telephone: (702) 333-0000
Facsimile: (702) 333-0001
shane@tingeylawfirm.com
eservice@tingeylawfirm.com
Attorney for Plaintiff
KARLA LOPEZ

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KARLA LOPEZ,

Plaintiff,

vs.

SAM'S WEST, INC. dba SAM'S CLUB,

Defendant

CASE NO: 2:23-CV-01337-JCM-BNW

**STIPULATED DISCOVERY PLAN AND
SCHEDULING ORDER IN
COMPLIANCE WITH LOCAL RULE 26-
1(E)**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

Pursuant to Fed. R. Civ. P. 26(f) and Local Rule 26(1), Plaintiff KARLA LOPEZ ("Plaintiff"), and Defendant SAM'S WEST, INC. dba SAM'S CLUB ("Defendant") by and through its undersigned counsel of record, hereby jointly submit and stipulate to the following Stipulated Discovery Plan and Scheduling Order:

1. Special Circumstances

The parties anticipate that there will be a delay with availability due to that fact that Walmart experiences unintentional discovery delays during the holiday season, making it difficult or at least limiting the availability, of store associates for depositions.

1 The parties participated in a Rule 26(f) and LR 26-1(a) conference on October 9, 2023.
2 Shane D. Cox, Esq. participated on behalf of Plaintiff. Madison Aguirre, Esq. participated on
3 behalf of Defendant.

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5 **2. Meeting**

6 The parties participated in a Rule 26(f) and LR 26-1(a) conference on October 9, 2023.
7 Shane D. Cox, Esq. participated on behalf of Plaintiff. Madison Aguirre, Esq. participated on
8 behalf of Defendant.

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10 **3. Initial Disclosures.**

11 All parties will provide their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or
12 before November 9, 2023.

13 **4. Discovery Plan.**

14 The parties jointly propose the following discovery plan:

15 (a) Subject of Discovery:

16 Discovery will be needed on the following subjects - all claims set forth in the
17 original Complaint, as well as the defense relevant to the action.

18 (b) Discovery Cut off Date(s):

19 The Parties anticipate that discovery will take 6 months, measured from October
20 9, 2023 which is the date of the Rule 26(f) conference. This means all discovery
21 must be completed by April 8, 2024 (Monday).

22 (c) FRCP 26(a)(2) Disclosures (Experts):

23 Disclosure of experts shall proceed according to FRCP 26(a)(2), except that:

- 24 (1) The disclosure of experts and expert reports shall occur on January 9, 2024
25 (Tuesday), which is 90 days before the discovery cut-off date; and
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(2) The disclosure of rebuttal experts and their reports shall occur on February 8, 2024 (Thursday), which is 60 days before the discovery cut-off date.

4. Other Items.

(a) Amending the Pleadings and Adding Parties:

The parties have until January 9, 2024 (Tuesday) to file any motion to amend the pleadings or add parties. This is 90 days before the discovery cut-off and does not exceed the outside limit LR 26-1(e)(2) presumptively sets for ninety (90) days before the discovery cut-off date of filing such motions.

(b) Interim Status Report:

The parties shall file the interim status report required by LR 26-3 by February 8, 2024 (Thursday). The undersigned counsel certifies that they have read LR 26-3 and that this date is not later than sixty (60) days before the discovery cut-off date.

(c) Dispositive Motions:

The parties shall have until March 11, 2024 (Monday) to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(d)(4) presumptively sets for filing dispositive motions.

(d) Settlement:

There have been minimal settlement discussions to date.

(e) Pretrial Order:

The pretrial order shall be filed by April 10, 2024 (Wednesday), which is not more than 30 days after the date set for filing dispositive motions in this case. This date

is suspended if the dispositive motions are timely filed. The disclosures required by FRCP 26(a)(3) shall be made in the joint pretrial order.

(f) Court Conference:

The parties do not request a conference with the Court before entry of the scheduling order.

(g) Later Appearing Parties:

A copy of this discovery plan and scheduling order shall be served on any person served after it is entered, or, if additional defendants should appear, within five (5) days of their first appearance. This discovery plan and scheduling order shall apply to such later-appearing parties, unless the Court, on motion and for good cause shown, orders otherwise.

(h) Extension or Modification of the Discovery Plan and Scheduling Order:

LR 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any stipulation or motion must be made not later than twenty-one (21) days before the expiration of the subject deadline to be extended. Any request made after the expiration of the subject deadline shall not be granted unless the movant demonstrates that the failure to act was the result of excusable neglect.

Dated this 29th day of November 2023.

Dated this 29th day of November 2023.

TINGEY INJURY LAW FIRM

HALL & EVANS, LLC

/s/ Bruce D. Tingey

/s/ Kurt R. Bonds

Bruce D. Tingey, Esq.
Nevada Bar No. 5151
Shane D. Cox, Esq.
Nevada Bar No. 13852
817 S. Main Street

Kurt R. Bonds, Esq.
Nevada Bar No. 6228
Madison M. Fraser, Esq.
Nevada Bar No. 16183
1160 North Town Center Drive
Suite 330

Las Vegas, NV 89101
Attorney for Plaintiff

Las Vegas, NV 89144
Attorney for Defendant

ORDER

IT IS SO ORDERED:

1. The Parties anticipate that discovery will take 6 months, measured from October 9, 2023 which is the date of the Rule 26(f) conference. This means all discovery must be completed by April 8, 2024. (Monday).
2. The disclosure of experts and expert reports shall occur on January 9, 2024. (Tuesday), which is 90 days before the discovery cut-off date.
3. The disclosure of rebuttal experts and their reports shall occur on February 8, 2024 (Thursday), which is 60 days before the discovery cut-off date.
4. Amending the Pleadings and Adding Parties. The parties have until January 9, 2024. (Tuesday), to file any motion to amend the pleadings or add parties. This is 90 days before the discovery cut-off date for filing such motions.
5. Interim Status Report. The parties shall file the interim status report required by LR 26-3 by February 8, 2024 (Thursday). The undersigned parties certify that they have read LR 26-3 and that this date is not later than sixty (60) days before the discovery cut-off date.
6. Dispositive Motions. The parties shall have until March 11, 2024 (Monday) to file dispositive motions. This is thirty (30) days after the discovery cut-off date and does not exceed the outside limit of thirty (30) days following the discovery cut-off date that LR 26-1(d)(4) presumptively sets for filing dispositive motions.

...

1 7. Pretrial Order. The pretrial order shall be filed by April 10, 2024 (Wednesday), which is
2 not more than 30 days after the date set for filing dispositive motions in this case. This deadline
3 is suspended if a dispositive motion is timely filed. The disclosures required by FRCP 26(a)(3)
4 shall be made in the joint pretrial order.
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7 UNITED STATES MAGISTRATE JUDGE

8 DATED: 11/30/2023
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